

**MILLER
& MARTIN**
PLLC
ATTORNEYS AT LAW

1200 ONE NASHVILLE PLACE
150 FOURTH AVENUE, NORTH
NASHVILLE, TENNESSEE 37219-2433
(615) 244-9270
FAX (615) 256-8197 OR (615) 744-8466

RECEIVED
JUN 22 PM 1:25
T.R.A. DOCKET ROOM

Melvin J. Malone
Direct Dial (615) 744-8572
mmalone@millermartin.com

June 22, 2004

VIA HAND DELIVERY

Honorable Richard Collier
General Counsel
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee, 37243-0505

RE ***Tennessee Coalition of Rural Incumbent Telephone Companies and
Cooperatives Request for Suspension of Wireless to Wireless Number
Portability Obligations Pursuant to Section 251(f)(2) of the Communications
Act of 1994, As Amended
TRA Docket No. 03-00633***

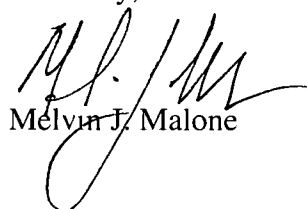
Dear Hearing Officer Collier:

Pursuant to the Procedural Schedule in the above-captioned matter, please find attached one (1) original and thirteen (13) copies of the Rebuttal Testimony of William Christopher Jones and one (1) original and thirteen (13) copies of the Rebuttal Testimony of Gregory Curtis Cole, both on behalf of Cellco Partnership d/b/a Verizon Wireless. Also enclosed is an additional copy of each of the same to be "Filed Stamped" for our records. Parties of record have been properly served.

Subsequent to the submission of Pre-filed Direct Testimony, the parties agreed to forgo a "live" hearing. Thus, it is necessary for William Christopher Jones and Gregory Curtis Cole to verify their Direct Testimony. For ease of reference, verification statements regarding both Direct and Rebuttal will follow shortly.

If you have any questions about this filing or need any additional information, please do not hesitate to give me a call at (615) 744-8572.

Sincerely,


Melvin J. Malone

MJM:cgb
Enclosure

cc Stephen G. Kraskin, Esq.
Timothy C. Phillips, Esq.
R Dale Grimes, Esq.
Edward Phillips, Esq.

ATLANTA • CHATTANOOGA • NASHVILLE
www.millermartin.com

STATE OF TENNESSEE
BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN RE)	
)	
)	
TENNESSEE COALITION OF RURAL)	
INCUMBENT TELEPHONE)	Docket No 03-00633
COMPANIES AND COOPERATIVES)	
REQUEST FOR SUSPENSION)	
Of Wireline To Wireless Number)	
Portability Obligations Pursuant To Section)	
251(F)(2) Of The Communications Act Of)	
1994, As Amended)	

REBUTTAL TESTIMONY OF

WILLIAM CHRISTOPHER JONES

ON BEHALF OF CELLCO PARTNERSHIP D/B/A

VERIZON WIRELESS

June 22, 2004

1 **I. INTRODUCTION**

2
3
4 **Q: PLEASE STATE YOUR NAME AND FOR WHOM YOU ARE EMPLOYED.**

5
6 A William Christopher Jones. I am employed by Verizon Wireless

7
8 **Q: DID YOU CAUSE DIRECT TESTIMONY TO BE SUBMITTED IN THIS**
9 **DOCKET?**

10
11 A. Yes.

12
13 **Q: HAVE YOU READ THE DIRECT TESTIMONY OF THE TENNESSEE**
14 **COALITION OF RURAL INCUMBENT TELEPHONE COMPANIES AND**
15 **COOPERATIVES ("PETITIONERS") IN THIS DOCKET?**

16
17 A Yes.

18
19 **Q: DO YOU HAVE ANY REBUTTAL TESTIMONY FOR THIS DOCKET?**

20
21 A. Yes.

22
23 **Q: DO YOU BELIEVE PETITIONERS HAVE MET THEIR BURDEN TO**
24 **JUSTIFY THE INDEFINITE RELIEF THEY ARE REQUESTING FROM**
25 **THE TRA?**

26
27 A. No Petitioners acknowledge they have the capability to port now or will have the
28 capability in the very near term. They base their claims for relief on interconnection
29 matters that the FCC determined are not legitimate basis for denying customers
30 access to LNP.

31
32
33 **II. NETWORK AND BACK OFFICE COSTS**

34
35 **Q: MR. WATKINS STATES ON PAGE 29 OF HIS TESTIMONY THAT THE**
36 **COSTS OF LNP ARE SIGNIFICANT. HAVE THE PETITIONERS**
37 **DEMONSTRATED SIGNIFICANT COSTS BY NUMBERS PROVIDED IN**
38 **THEIR INDIVIDUAL TESTIMONY?**

39
40 A: No Petitioners failed to meet their burden to provide cost information of sufficient
41 detail to support financial analysis of the surcharges customers would be charged to
42 support LNP, on a present value basis or otherwise. The costs and/or cost estimates
43 that are provided in the testimony, even if assumed to be accurate, are not

burdensome, especially as spread across the customer base over the five-year period allowed by the FCC. Specifically, taking the data provided in Petitioners' direct testimony on June 4, 2004, I was able to determine that the per-customer surcharge would range from approximately five (5) cents per month to fifty-six (56) cents per month. For example, Crockett, Peoples and West Tennessee telephone companies assert that the end-user surcharge for their customers would be .50, .40, and .48 respectively. Similarly, based on the costs and number of access lines provided, I was able to do "back of the envelope" calculations yielding monthly surcharges of .56 for Ardmore, .05 for Ben Lomand, .31 for Loretto, and .25 for Yorkville telephone companies. Of course, if LNP yields market-induced efficiencies by the LECs, these customers could benefit from off-setting rate reductions in LEC provided services. Additionally, if any LEC believed the customer assessment was too high, it could seek a waiver from the FCC for additional time over which to recover its LNP related expenses, which would reduce the monthly assessment on customers. Wireless carriers and consumers have also borne costs to become LNP capable.

Q: MR. WATKINS NOTES THAT CHARGES WOULD BE ASSESSED TO ALL OF PETITIONERS' END USERS REGARDLESS OF WHETHER THEY DESIRE TO PORT OR NOT. IS THAT POINT SIGNIFICANT?

A: No. The FCC weighed different cost recovery options for LNP and determined that an end-user surcharge was the most appropriate mechanism. As a result, many carriers, including wireless carriers, have spread the costs of LNP compliance across their customer base regardless of whether an individual customer chooses to port. The FCC determined that increased customer choice that flows from LNP, including intermodal LNP, is a broad-based benefit that enhances competition and benefits all consumers, regardless of whether a given consumer actually ports or not.¹ LNP also facilitates thousand block number pooling ("TBNP"), which benefits all consumers in an NPA.

¹ See MAM-5, *Washington Watch*, NECA, March 18, 2004 (referencing comments by David Firth. Mr. Firth's name is misspelled in the *Washington Watch* article. It is actually spelled "Furth.")

74 **Q: DID WIRELESS CARRIERS FACE THE SAME TYPES OF COSTS FOR**
75 **SOFTWARE AND HARDWARE UPGRADES, BACK OFFICE COSTS AND**
76 **EMPLOYEE TRAINING AS PETITIONERS?**
77

78 A: Yes In his direct testimony at pages 4-5, Gregory Cole outlined the various tasks
79 Verizon Wireless completed to become LNP capable. In fact, wireless carriers have
80 experienced additional costs associated with a technological challenge unique to
81 wireless. Wireless carriers were required to separate the Mobile Directory Number
82 ("MDN") from the Mobile Identification Number ("MIN"), which impacted almost
83 every aspect of wireless operations. Separation of the MIN from the MDN was a
84 huge challenge and provided the basis for the FCC's earlier extensions of wireless
85 LNP

86

87

88 **III. ROUTING COSTS**

89

90 **Q: IF THERE IS NO OR LITTLE DEMAND FOR LNP AS ASSERTED BY**
91 **PETITIONERS, WOULD THERE BE ANY RELATED ROUTING COSTS?**
92

93 A No. Petitioners devote a substantial amount of their arguments to discussions of
94 increased routing costs. They speculate that LNP will increase the routing burdens on
95 them and their consumers. At the same time, they assert that few, if any, of their
96 customers want to port. They also make allegations regarding wireless carriers'
97 coverage. If what they allege is true, petitioners will not experience any significant
98 increase in routing as a result of LNP.

99

100 **Q: DOES BELL SOUTH'S ROLE AS A TANDEM PROVIDER IN TENNESSEE**
101 **IMPACT THIS ANALYSIS?**
102

103 A: Yes, it does, given how Petitioners have framed the issues before the TRA. Every
104 petitioner stated in testimony that it has physical connections to the BellSouth
105 tandem. DeKalb Telephone Cooperative and Loretto Telephone Company are
106 connected to BellSouth and another tandem provider, IRIS. Loretto is also a
107 centralized Intra-LATA Access Tandem. Verizon Wireless is connected to the
108 BellSouth tandem and therefore is able to both deliver and receive traffic from
109 Petitioners at the tandem – which happens today. This directly impacts the issues

before the TRA, as it belies much of Petitioners' arguments regarding undue economic burden associated with routing calls to ported numbers. Moreover, the rebuttal testimony of Gregory Cole addresses other misconceptions concerning routing calls to mobile customers. Petitioners' routing arguments are not persuasive justification for delaying LNP. The FCC saw through these types of arguments in the *Intermodal Porting Order* where it determined, as should the TRA, that despite the routing issues raised by the LECs, intermodal LNP should proceed.² Given Gregory Cole's Testimony and Petitioners' admission that indirect interconnection arrangements exist today via the BellSouth tandem, and since existing arrangements can function equally well for traffic to ported numbers, there is no reason to tie suspension from LNP to the conclusion of the proceeding in TRA Consolidated Docket # 03-00585 as Petitioners request.

Q: DID THE FCC RECOGNIZE THAT LNP WOULD BE COSTLY WHEN IT MANDATED INTERMODAL PORTING?

A: Yes. It was precisely because of the costs that the FCC provided that LECs could recover their costs via a monthly surcharge for five (5) years and outlined standards for identifying eligible LNP costs.³ Carriers are allowed to recover costs related to LNP. Costs that support non-portability related functions or general system upgrades are not allowed but rather are recovered through regular rates and charges. In applying the FCC's cost recovery decisions, the Indiana Commission closely scrutinized the cost data submitted by petitioners in that state and found the data to be insufficient. However, legitimate and substantiated costs can be recovered and the FCC determined that the benefits of LNP (which I discuss next), particularly intermodal porting, was worth the costs. The FCC acknowledged that carriers could request waivers and extensions from the FCC and from state commissions if they could demonstrate undue economic burden on carriers and their customers. Petitioners have not shown undue economic burden and the TRA should not override

² See Telephone Number Portability, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* 18 FCC Rcd 23697, ¶¶ 39-40 (2003) ("*Intermodal Porting Order*")

³ Telephone Number Portability Cost Classification Proceeding, *Memorandum Opinion and Order*, 13 FCC Rcd 24495 (1998)

the FCC's determination that intermodal porting should be available to residents across the nation

Q: HAVE THE PETITIONERS ESTABLISHED THAT LNP WILL RESULT IN UNDUE ECONOMIC BURDEN?

A: No Given the limited costs they provided for making software and hardware upgrades, back office costs, and NPAC user and transaction fees, they have not demonstrated undue economic burden under 251(f)(2). All carriers faced LNP implementation costs and many have sought to recover these costs from their customer base Verizon Wireless invested millions of dollars in Tennessee to build a customer care center that specializes in facilitating LNP. With hundreds of employees dedicated to LNP, Verizon Wireless and its customers bear significant expense to enable customers to port their numbers.

IV. BENEFITS

Q: WHAT ARE THE BENEFITS TO LNP IMPLEMENTATION?

A As the FCC has found, there are many benefits to LNP capability The FCC found an overwhelming public interest benefit in requiring all wireless and wireline carriers to offer LNP LNP fosters competition, and makes it easier for customers to change carriers if they find better service or value. There is a significant indirect benefit to the public: number efficiency and conservation Once a carrier is LNP capable it can participate in thousand-block number pooling (TBNP). The TRA can extend the lives of various area codes in Tennessee by implementing TBNP throughout the state where it does not exist today or by increasing the number of carriers participating in pooling. Additional conservation measures that the FCC may require in the future (such as individual telephone number pooling "ITN" and unassigned number porting "UNP") build on the same technological platform as LNP and TBNP. With that in mind, moving carriers to the related capabilities of LNP and TBNP may be a high priority for the Authority Finally, for some carriers and their customers, the upgrades necessary to achieve LNP and TBNP may also provide them with additional

features or additional functionality in existing features – particularly where a switch that was previously not SS7 capable is given upgraded signaling capabilities.

Q: MR. WATKINS STATES THAT THE DEMAND LEVEL FOR LNP IN PETITIONERS' SERVICE AREA IS CENTRAL TO WHETHER CUSTOMERS BENEFIT FROM LNP. IS THAT ASSERTION CORRECT?

No. The FCC and its staff have rebuffed this argument. LNP is a forward-looking requirement that seeks to enhance competition and choice for consumers. There is little data at this time to judge the demand for LNP in Petitioners' territory given that intermodal LNP only took effect on November 24, 2003 in the top 100 MSAs (and only the largest five (5) LECs were required to participate) and outside the top 100 MSAs on May 24, 2004. Wireline carriers, including By seeking to remove or significantly delay LNP – and certainly not marketing LNP to their customers The FCC has stated recently in its Order denying requests to waive the LNP obligation by Yorkville Telecommunications Cooperative, TMP Corp., and Choice Wireless in paragraph 10 regarding the public interest, “ ..the Commission's number portability requirements are an important tool for promoting competition and bringing more choice to consumers. These benefits are particularly important in smaller markets across the country where competition may be less robust than in more urban areas. Accordingly, it is in the public interest that carriers implement porting as quickly as possible ”

Q: GIVEN THE BENEFITS OF LNP AND THE PUBLIC INTEREST IN DEPLOYMENT AS QUICKLY AS POSSIBLE, HAVE PETITIONERS JUSTIFIED THEIR REQUEST FOR ADDITIONAL TIME?

A. No. Uniformly, petitioners request a suspension from LNP until the latter of (1) a specified date when their switch and back office responsibilities are ready; (2) six months after the date of the appeal of the FCC LNP Order is completed; (3) six months after a TRA decision in the TRA interconnection proceeding (TRA Consolidated Docket # 03-00585) This request is unreasonable especially since most of the Petitioners acknowledge dates ranging from late summer to early fall 2004 when their software, hardware and back office tasks will be completed. Several

have completed agreements with vendors and Neustar since they filed the Amended Petitions in this case. Clearly, all Petitioners can complete LNP implementation much sooner than the relief dates they requested, at the latest by early fall 2004. Petitioners, having failed to demonstrate the need for suspension under the statute, should not now further benefit from delays created by this proceeding.

Q: IS VERIZON WIRELESS READY TO TEST LNP WITH PETITIONERS?

A: Yes. Most Petitioners have completed or will soon complete internal testing. They state in their testimony that they can then coordinate testing with wireless carriers. Verizon Wireless not only stands ready to test but has already reached out to rural LECS across the nation, including several Petitioners in Tennessee (Ardmore, DeKalb, Loretto, Millington), requesting testing dates. This effort has occurred in tandem with efforts to offer service level agreements ("SLAs") and to exchange Trading Partner Profiles ("TPP"). Given Petitioners statements, Verizon Wireless stands ready to complete testing with all Petitioners immediately

V. COMPLIANCE EFFORTS

Q: IN ADDITION TO FAILING TO DEMONSTRATE THROUGH SUBSTANTIAL CREDIBLE EVIDENCE THE FACTS WHY THEY CANNOT MEET THE REQUIRED LNP DEPLOYMENT DATE, SHOULD THE PETITIONERS PROVIDE A DETAILED EXPLANATION OF THE ACTIVITIES THEY EACH UNDERTOOK BEFORE REQUESTING THE EXTENSION?

A: Yes Petitioners should be required to demonstrate the steps they have taken to comply with the LNP mandate. Recently in a May 18, 2004, Order, which is cited in footnote 8 of Mr. Knox's Direct Testimony, the Indiana Utility Regulatory Commission required petitioners in Indiana to provide a detailed explanation of activities undertaken to comply with the mandate

Q: IN THE ABOVE-REFERENCED ORDER, DID THE INDIANA UTILITY REGULATORY COMMISSION GRANT THE SUSPENSION REQUESTS?

A. No.

244 **Q: HAS THE FEDERAL COMMUNICATIONS COMMISSION REQUIRED A**
245 **SIMILAR DETAILED EXPLANATION OF THE ACTIVITIES**
246 **UNDERTAKEN PRIOR TO THE REQUEST FOR AN EXTENSION?**

247
248 A: Yes. As noted in my Direct Testimony, the FCC, in the *NEP Order*, required a
249 showing of extraordinary circumstances beyond the Petitioner's control in order to
250 justify an extension. Also in its *Yorkville et al. Order*, the FCC found that the
251 Petitioner failed to demonstrate that it made timely efforts to comply with LNP
252 According to the FCC, the basis of the request for relief could have been prevented
253 had Petitioner acted earlier.

254
255 **Q: DID THE DIRECT TESTIMONY ON BEHALF OF THE PETITIONERS**
256 **PROVIDE SUFFICIENT EXPLANATION OF THE STEPS PETITIONERS**
257 **HAVE TAKEN TO PROVISION LNP BEFORE FILING FOR RELIEF?**

258
259 A To the best of my knowledge and belief, no, not in full.

260
261 **Q: DOES THE OFFICIAL RECORD IN THIS MATTER PROVIDE SUCH**
262 **INFORMATION SUBMITTED BY THE PETITIONERS?**

263
264 A: To the best of my knowledge and belief, no, not in full.

265
266 **Q: DID VERIZON WIRELESS SEEK TO GAIN THIS INFORMATION FROM**
267 **THE COALITION MEMBERS IN THE DISCOVERY PROCESS?**

268
269 A. Yes. I refer to Request Nos. 1.19 and 1.20 to Verizon Wireless' Discovery
270 Requests.

271
272 **Q. HAS THIS DETAILED INFORMATION BEEN PROVIDED AS**
273 **REQUESTED?**

274
275 A: No, not in full.

276
277 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

278 A. Yes it does Thank you.

279

STATE OF TENNESSEE
BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN RE:)	
)	
)	
TENNESSEE COALITION OF RURAL)	
INCUMBENT TELEPHONE)	Docket No. 03-00633
COMPANIES AND COOPERATIVES)	
REQUEST FOR SUSPENSION)	
Of Wireline To Wireless Number Portability)	
Obligations Pursuant To Section 251(F)(2))	
Of The Communications Act Of 1994, As)	
Amended)	

REBUTTAL TESTIMONY OF
GREGORY CURTIS COLE
ON BEHALF OF CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS

June 22, 2004

1 **I. INTRODUCTION**

2
3 **Q: PLEASE STATE YOUR NAME AND FOR WHOM YOU ARE**
4 **EMPLOYED.**

5
6 A: My name is Greg Cole, and I am employed by Verizon Wireless.

7
8 **Q: DID YOU CAUSE DIRECT TESTIMONY TO BE SUBMITTED IN THIS**
9 **DOCKET?**

10
11 A: Yes

12
13 **Q: HAVE YOU READ THE DIRECT TESTIMONY OF THE TENNESSEE**
14 **COALITION OF RURAL INCUMBENT TELEPHONE COMPANIES**
15 **AND COOPERATIVES (“PETITIONERS”) IN THIS DOCKET?**

16
17 A: Yes.

18
19 **Q: HAVE YOU GENERALLY REVIEWED THE DISCOVERY SUBMITTED**
20 **BY THE PETITIONERS IN THIS DOCKET?**

21
22 A: Yes.

23
24 **Q: DO YOU HAVE ANY REBUTTAL TESTIMONY FOR THIS DOCKET?**

25
26 A: Yes, as set forth below.

27
28
29 **II. ROUTING**

30
31 **Q: HAS VERIZON WIRELESS RECEIVED ANY COMPLETED PORTS**
32 **FROM ANOTHER RURAL LEC IN TENNESSEE? IF YES, ARE CALLS**
33 **BEING ROUTED TO THOSE CUSTOMERS?**

34
35 A: Yes. For example, I was able to determine from the billing system that Verizon
36 Wireless has received four (4) ports from customers formerly with Citizens
37 Communications Company d/b/a Frontier Communications of Tennessee. These
38 ports were from the 731-588 exchange and were completed on June 2, 2004
39 These customers have active accounts in our billing system. To the best of my
40 knowledge, these customers are receiving calls today.

41
42 **Q: AT PAGES 9-14 OF MR. WATKINS’ TESTIMONY, HE INFERS THAT**
43 **THERE ARE UNRESOLVED ROUTING ISSUES RELEVANT TO THE**

44 **TRA’S CONSIDERATION OF PETITIONERS’ REQUEST FOR**
45 **SUSPENSION FROM LNP. DO YOU AGREE?**

46
47 A: No. The FCC firmly separated considerations regarding routing calls from the
48 obligation to provide LNP in the *Intermodal Porting Order*.¹ Mr. Watkins
49 challenges the findings of that order in his testimony, which is not relevant to the
50 TRA’s deliberations under section 251(f)(2). In fact, Congress gave the FCC
51 authority to shape the rules surrounding LNP in 251 (b)(2). Mr Watkins’ attempt
52 to collaterally attack the FCC’s decisions is inappropriate and should not cloud
53 the issues before the TRA

54
55 **Q: GIVEN MR. WATKINS’ TESTIMONY ON THE ROUTING ISSUES,**
56 **SHOULD THE TRA DEAL WITH THAT ISSUE AT ALL IN THIS**
57 **PROCEEDING?**

58
59 A: No, the TRA should not consider Petitioners’ arguments. The routing issues are
60 not unique to intermodal porting and instead are a red-herring detracting from the
61 focus of this proceeding, which is whether Petitioners have met their burden
62 under the statute to delay implementing the federal LNP mandate. In principle,
63 Mr Watkins objects to the existence of indirect interconnection arrangements that
64 exist today, whether or not intermodal porting is involved. Moreover, it is my
65 understanding that the issues concerning “indirect” or transit traffic in the current
66 TRA proceeding (TRA Consolidated Docket # 03-00585), to which Verizon
67 Wireless is also a party, deal with reciprocal compensation for traffic exchanged
68 through indirect interconnection. In other words, the indirect traffic is already
69 routed over existing facilities, the only disputed issues have to do with the
70 allocation of costs between the parties. The indirect arrangements are already in
71 place for transiting traffic and such traffic is being exchanged today between
72 Verizon Wireless and most, if not all, of the Petitioners. These arrangements
73 could function equally as well for ported traffic. Section 51.100 of the FCC’s
74 rules obligates all telecommunications carriers to provide indirect interconnection

¹ See Telephone Number Portability, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* 18 FCC Rcd 23697, ¶¶ 39-40 (2003) (“*Intermodal Porting Order*”)

arrangements. For example, wireline and wireless carriers can deliver traffic through the tandem of a third party carrier without the need of dedicated interconnection facilities between the wireline and wireless carriers.

Q: DID THE INITIAL TESTIMONY PROVIDE ANY INSIGHT REGARDING HOW THE PETITIONERS HANDLE INDIRECT TRAFFIC?

A: Yes. Petitioners' testimony reveals that most of the carriers are connected to BellSouth's tandem. Verizon Wireless is also connected to BellSouth's tandem. There should not be any concerns regarding how traffic will be delivered to Verizon Wireless by these carriers or any need for them to deliver the traffic to an IXC. As I noted above, traffic is being delivered today through the BellSouth tandem. Therefore, a substantial portion of Mr. Watkins' testimony is inapplicable to the circumstances currently existing in Tennessee.

Q: WOULD THE SOLUTION THAT YOU PROPOSE BE CONSISTENT WITH THE APPROACH OF OTHER STATES?

A: Yes. For example, on page 27 of the May 18, 2004, Indiana Order cited in footnote 8 of Mr. Knox's Direct Testimony (the "Indiana Order"), the Indiana Utility Regulatory Commission noted that the requesting Petitioners were currently completing calls to wireless carriers in the absence of service agreements or ICAs for much of this wireless traffic.

Q: DID THE INDIANA COMMISSION ACCEPT MR. WATKINS' TESTIMONY REGARDING ROUTING AND RATING ISSUES?

A: No. The Indiana Commission considered Mr. Watkins' testimony in this regard flawed.

Q: IS THE TESTIMONY SUBMITTED BY MR. WATKINS IN THIS DOCKET SIMILAR TO THE TESTIMONY SUBMITTED BY MR. WATKINS IN INDIANA?

A: Yes.

112 Q: WAS MR. WATKINS' TESTIMONY PERSUASIVE BEFORE THE
113 INDIANA COMMISSION?
114

115 A: Not at all according to the Indiana Order.
116

117 Q: WHY DID THE FCC REQUIRE INTERMODAL PORTING TO
118 PROCEED DESPITE LEC CONCERNS REGARDING ROUTING
119 CALLS?
120

121 A: The FCC recognized, that routing issues – which really involve intercarrier
122 compensation for routing calls – exist regardless of whether intermodal porting is
123 required. Mr. Watkins correctly notes on page 14 of his testimony that the FCC
124 declined to address those larger issues and refused to prejudge considerations
125 more appropriate to another docket. The FCC stated on page 17 (paras. 39-40)
126 of the *Intermodal Porting Order* that:

127 Indeed, several wireline carriers have expressed concern about the
128 transport costs associated with routing calls to ported numbers.
129 The National Exchange Carrier Association (NECA) and National
130 Telecommunications Cooperative Association (NTCA), for
131 example, argue in their joint comments, that when wireless carriers
132 establish a point of interconnection outside of a rural LEC's
133 serving area, a disproportionate burden is placed on rural LECs to
134 transport originating calls to the interconnection points. They
135 argue that requiring wireline carriers to port telephone numbers to
136 out-of-service area points of interconnection could create an even
137 bigger burden. Other carriers point out, however, that issues
138 associated with the rating and routing of calls to ported numbers
139 are the same as issues associated with rating and routing of calls to
140 all wireless numbers. We recognize the concerns of these carriers,
141 but find that they are outside the scope of this order.

142 Q: ON PAGE 10 OF HIS TESTIMONY, MR. WATKINS CHARACTERIZES
143 THE FCC'S INTERMODAL PORTING ORDER AS CONTAINING SOME
144 UNCERTAIN ASPECTS WITH RESPECT TO ROUTING? DO YOU
145 AGREE?

146 A: No, quite the opposite. It is certain that the FCC determined that the routing
147 issues complained of by the LECs, fully briefed and lobbied by them during that
148 proceeding, did not give rise to a reason to delay intermodal LNP. That policy
149 decision is most certain. The "outstanding" routing issues, which the FCC fully

acknowledged, were expressly reserved to consideration in another proceeding,
with the FCC stating on page 17 (para. 40) of the *Intermodal Porting Order* that:

As noted above, our declaratory ruling with respect to wireline-to-wireless porting is limited to ported numbers that remain rated in their original rate centers. We make no determination, however, with respect to the routing of ported numbers, because the requirements of our LNP rules do not vary depending on how calls to the number will be routed after the port occurs. Moreover, as CTIA notes, the rating and routing issues raised by the rural wireline carriers have been raised in the context of non-porting numbers and are before the Commission in other proceedings. Therefore, without prejudging the outcome of any other proceeding, we decline to address these issues at this time as they relate to intermodal LNP.

Q: WHAT WILL HAPPEN IF WIRELINE CARRIERS THAT PROVIDE TYPE 1 NUMBERS TO WIRELESS CARRIERS ARE PERMITTED TO DELAY LNP IMPLEMENTATION AS PETITIONERS REQUEST?

A: If Petitioners, such as the TDS Companies (as documented in the testimony of Mike Hicks), have switches that lack some of the basic capabilities for LNP, they may restrict the ability of wireless carriers with Type 1 numbers (from the LEC's inventory) to participate in wireless-to-wireless porting. Since Type 1 numbers are part of the LEC's number inventory, a wireless carrier would not be able to allow its customers holding those numbers to port because of the LEC's refusal to port its numbers.

Q: ARE THERE ANY OTHER POSSIBLE IMPACTS IF PETITIONERS ARE ALLOWED TO DELAY LNP IMPLEMENTATION?

A. Yes. If the LECs do not make their switches LNP capable, they may not be able to perform their routing responsibilities as the N-1 carrier when their customers call wireless customers with ported numbers because they will not perform database dips. In addition, the technology needed for LNP is also needed for participation in thousands block number pooling. Pooling is an important conservation measure that is based on the same network technology as LNP. LNP-capable carriers can share NXX codes and improve efficiency by consuming

individual thousands-blocks on an as-need basis instead of full blocks of ten thousand numbers.

III. MOBILE CALL PROCESSING

Q: MR. WATKINS DEVOTES SEVERAL PAGES OF TESTIMONY AT 17-19 TO DISCUSSING HOW ROUTING CALLS TO MOBILE USERS CONSTITUTES LOCATION PORTABILITY, DESPITE THE FCC'S DETERMINATION IN THE INTERMODAL PORTING ORDER. DO YOU AGREE?

A: No. Mr. Watkins does not understand the way wireless calls are processed. Calls will be processed the same whether placed to a ported mobile subscriber or a non-ported subscriber. In the case of the latter, a land-to-mobile call to a non-ported wireless subscriber with a Tennessee telephone number will be routed by the landline carrier (via direct or indirect methods for routing calls) to reach the wireless carrier's home switch or point of interconnection ("POI") associated with the Tennessee rate center of the called party. If the mobile subscriber is beyond the reach of the home switch, say in another state, *the wireless carrier* then routes the call the rest of the way to the serving switch wherever the called party is located. This is what roaming is all about – routing calls to distant points on our network beyond the customer's home switch. Similarly, in the case of land-to-mobile calls to ported numbers, the call is routed to the home switch or POI located within Tennessee that is associated with the called party's rate center. The examples described in Mr. Watkins' testimony simply will not occur in the way he described.

Q: ON PAGE 17 OF HIS TESTIMONY, MR. WATKINS STATES THAT NUMBERS COULD BE PORTED TO A WIRELESS CARRIER THAT DOES NOT HAVE ANY SERVICE PRESENCE OR INTERCONNECTION ARRANGEMENT IN THE LOCAL EXCHANGE AREA UNDER THE FCC'S DECISIONS. IS THAT CORRECT?

A: Interconnection agreements are not necessary or required for LNP. I am not sure what he means by "service presence." Verizon Wireless sent BFRs to Petitioners and expects to accept ports because it has cell towers and coverage in Petitioners'

220 service territory. The FCC stated in the *Intermodal Porting Order* cited by Mr.
221 Watkins:

222 We conclude that, as of November 24, 2003, LECs must port
223 numbers to wireless carriers where the requesting wireless carrier's
224 "coverage area" overlaps the geographic location of the rate center
225 in which the customer's wireline number is provisioned, provided
226 that the porting-in carrier maintains the number's original rate
227 center designation following the port. Permitting intermodal
228 porting in this manner is consistent with the requirement that
229 carriers support their customers' ability to port numbers while
230 remaining at the same location. For purposes of this discussion, the
231 wireless "coverage area" is the area in which wireless service can
232 be received from the wireless carrier. Permitting wireline-to-
233 wireless porting under these conditions will provide customers the
234 option of porting their wireline number to any wireless carrier that
235 offers service at the same location.²

236
237 **Q: SPECIFICALLY, HOW DOES VERIZON WIRELESS ENSURE THAT IT**
238 **HAS SERVICE COVERAGE IN THE AREA WHERE A CUSTOMER'S**
239 **TELEPHONE NUMBER IS RATED?**

240 A. Verizon wireless developed a database that maps the nation's telephone numbers
241 (mobile directory numbers or "MDNs") to specific rate centers, network elements
242 such as POI CLLI or switch CLLI, and ensures that there is radio frequency
243 coverage. Thus, a customer entering a Verizon Wireless store requesting to port
244 his number will be asked for his or her MDN. The salesperson can then enter the
245 MDN into the database tool to determine whether Verizon Wireless has service in
246 the customer's rate center and whether Verizon Wireless can accept the port given
247 these considerations. If Verizon Wireless does not have coverage over the area
248 where a customer's number is rated Verizon Wireless will not offer to port-in that
249 number

250 **Q: AT PAGES 17-18, and 27 OF HIS TESTIMONY, MR. WATKINS ARGUED**
251 **THAT THE FCC ESSENTIALLY SANCTIONED LOCATION**
252 **PORTABILITY IN THE INTERMODAL PORTING ORDER. DO YOU**
253 **AGREE?**

² *Intermodal Porting Order* at ¶ 22

254 A: No. If Verizon Wireless accepts a customer's request to port, the ported in MDN
255 is mapped to a home switch or home POI based on the MDN's original rate center
256 designation. The number will remain in the same rate center after it is ported.
257 Calls to that customer, whether from other mobile phones or from landline
258 handsets, will be delivered to the home switch or POI associated with the
259 customer's rate center and Verizon Wireless will haul it the rest of the way. In
260 other words, a call from a Tennessee landline customer to a Tennessee MDN
261 ported into Verizon Wireless will be sent to the Tennessee switch or POI
262 associated with (or mapped) to the called party's original rate center. In addition,
263 the database tool discussed above also prevents location portability. For example,
264 the database tool will not accept port requests from customers with out-of-state
265 MDNs, as the rate centers associated with those MDNs would not be mapped in
266 the database tool to the relevant coverage area and network elements in
267 Tennessee.

268 **Q: AT PAGES 27-28, MR. WATKINS ASSERTS THAT THERE IS NO**
269 **GEOGRAPHIC RELATIONSHIP BETWEEN RATE CENTER AREAS**
270 **AND MOBILE USERS. IS HE CORRECT?**

271 A: No. While it is true that the nature of mobility is such that customers are not
272 tethered to a single location when they use their mobile phones, it is equally true
273 that wireless carriers design their networks and systems to work within the
274 confines of the rate center paradigm for purposes of obtaining telephone numbers.
275 As described above, intermodal porting presented a challenge to Verizon Wireless
276 that was met by designing a database and interactive tool that can be used at the
277 point of sale to determine when we can accept inbound ports and when we must
278 decline them.

279

280 **Q: DOES VERIZON WIRELESS HAVE COVERAGE IN MOST, IF NOT**
281 **ALL, OF THE RATE CENTERS FOR WHICH COALITION MEMBERS**
282 **SEEK A SUSPENSION?**

283 A: Yes, as shown by Verizon Wireless' Exhibit A to its Supplemental Discovery
284 Response to Request No. 3.³ I also refer to my direct testimony and the direct
285 testimony of Chris Jones, in which we both state that Verizon Wireless has
286 overlapping service areas and radio frequency coverage with seventeen (17)
287 members of the Coalition. Moreover, if for any reason Verizon Wireless is
288 unable to adequately service a customer in these areas who has inquired about
289 being ported to Verizon Wireless, our database tool referenced above, using the
290 customers' MDN, will alert us.

291

292 **IV. BONA FIDE REQUESTS FOR LNP**

293 **Q: IN THE DIRECT TESTIMONY OF MR. SCHLIMMER, HE STATES**
294 **THAT "CINGULAR IS THE ONLY WIRELESS CARRIER TO SUBMIT A**
295 **REQUEST." IS THIS CORRECT?**

296 A. To the extent Mr. Schlimmer is using the word "request" to refer to a BFR, this is
297 not correct. As Verizon Wireless provided in discovery, Verizon Wireless
298 submitted a BFR to seventeen (17) members of the Coalition, including Ben
299 Lomand Rural Telephone Cooperative.

300

301 **Q: IN THE DIRECT TESTIMONY OF MR. W. S. HOWARD, HE STATES**
302 **THAT "CINGULAR IS THE ONLY WIRELESS CARRIER TO SUBMIT A**
303 **REQUEST." IS THIS CORRECT?**

304 A. To the extent Mr. Howard is using the word "request" to refer to a BFR, this is
305 not correct. As Verizon Wireless provided in discovery, Verizon Wireless
306 submitted a BFR to seventeen (17) members of the Coalition, including
307 Millington Telephone Company

³ Exhibit A contains CONFIDENTIAL INFORMATION and was submitted pursuant to the Protective Order in this Docket

308

309 **Q: IN THE DIRECT TESTIMONY OF LERA ROARK, THE WITNESS**
310 **STATES THAT “WE HAVE NOT HAD ANY REQUESTS FOR SERVICE**
311 **FROM WIRELESS PROVIDERS IN OUR SERVICE AREAS.” IS THIS**
312 **CORRECT?**

313 A: To the extent witness Roark is using the phrase “request for service” to refer to a
314 BFR, this is not correct. As Verizon Wireless provided in discovery, Verizon
315 Wireless submitted BFRs to seventeen (17) members of the Coalition, including
316 Crockett, Peoples, and West Tennessee Telephone Companies.

317
318 **Q: DOES THIS CONCLUDE YOUR TESTIMONY?**

319 A: Yes, it does. Thank you.

320
321
322
323